

Libby Community Advisory Group

Meeting Summary

July 26, 2001

Introductions

Gerald Mueller and members of the Libby Community Advisory Group (CAG) introduced themselves. Commissioner Rita Windom introduced Shane Hedges, Chief Policy Advisor to Governor Martz. A list of the members in attendance and guests is attached below as Appendix 1.

Agenda

Mr. Mueller reviewed an agenda for this meeting including the following topics:

- Governor Martz's August 8 Libby Visit
- Agency Reports
 - EPA
 - ATSDR
 - County
 - St. John's Hospital
- Internet Web Site
- Superfund Site Visits
- Public Comment

Governor Martz's August 8 Libby Visit

Shane Hedges, Governor Martz's Chief Policy Advisor, stated that he is attending this meeting on behalf of Governor Martz. The Governor wants to come to Libby on Wednesday, August 8, to listen to Libby people. She will be accompanied by Jan Sensibaugh, Director of the Montana Department of Environmental Quality and Gail Gray, Director of the Montana Department of Public Health and Human Services. Mr. Hedges stated that Governor Martz would appreciate the CAG's advice about how best to structure her visit. Mr. Hedges explained that Governor Martz can be in Libby from 10:00 a.m to 4:00 p.m., and that she now has only one commitment during that period, attending the ground breaking ceremony at St. John's Lutheran Hospital from noon to 1:00 p.m. Mr. Hedges said that if the Governor cannot see all of the locations in Libby or listen to all of the groups and individuals that may wish to speak with her in one visit, and that others will be scheduled later.

Recommended Schedule for Governor Martz's August 8 Visit in Libby

CAG Action - After a discussion, the CAG agreed to the following recommended schedule:

10:00 A.M. - Noon, Site Visits: The Governor should visit asbestos-contaminated sites that are being cleaned up, including the screening and export plant sites, schools, and one or more residences. Paul Peronard will recommend specific sites that will allow the Governor to be accompanied by community people and appropriate officials. Also, during this period, the Governor should visit with Dr. Black about the asbestos-related medical situation in Libby.

Noon - 1:00 P.M., Ground Breaking Ceremony: The Governor has previously committed to attend the St. John's Lutheran Hospital ground breaking ceremony.

1:00 - 4:00 P.M., Town Meeting: Governor Martz should attend a town meeting during which she should listen to people from the Libby community. People should be able to speak to the Governor for no more than three minutes on a first-come-first-serve basis. The Governor should sit at tables along with CAG members to listen to the speakers. To maximize the Governor's listening time, she would not be expected to answer questions or make comments in response to the individual statements. Time should instead be provided for the Governor to speak at the beginning and end of the listening session. The CAG facilitator was asked and agreed to run the meeting and hold people to the three minute speaking period.

CAG Member Question - Senators Baucus and Burns are also planning to attend the St. John's Lutheran Hospital ground breaking ceremony. Should they be given a role in the town meeting?

CAG Response - While the Senators would be welcomed to attend the meeting, the 1:00 to 4:00 p.m. session should be focused on providing the Governor an opportunity to learn about the situation by hearing from the people of Libby. If the Senators wish to do so, they should have their own town meeting or other functions at a different time.

Audience Member Comment - Representative Rehberg and Bonnie Gestring of the Mineral Policy Center in Missoula should be invited to the meeting.

CAG Response - Congressman Rehberg and Ms. Gestring would be welcomed to attend the 1:00 to 4:00 p.m. town meeting, but the purpose of this session is to allow Governor Martz to listen to people from Libby.

Audience Member Comment - The Governor should also take the time to visit here with victims of the asbestos contamination.

Response - This is a good idea, but if the Governor follows the CAG recommended schedule, time would not be available on this trip for a separate meeting with victims and their families. Victims would be welcomed to participate in the morning site visits and afternoon town meeting.

Audience Member Comment -The Ponderosa Room probably will not be large enough to hold all of the people who will want to attend the town meeting with Governor Martz. Could the meeting be held in the VFW Hall?

Response - EPA will check on the availability of the VFW Hall.

Audience Member Comment - The town meeting should be advertized in the local media.

Response - EPA will arrange to provide notice of the meeting on the local cable television channel, on the local radio station, and in the local newspapers.

Questions for Governor Martz

Shane Hedges volunteered to take questions or comments back to Governor Martz from this meeting. Questions or comments from CAG and audience members included:

- Governor Martz should get and review transcripts of the asbestos-related trials to learn about how and why contamination occurred.
- The Governor should listen to the EPA people working in Libby. (*Response by Shane Hedges - Governor Martz has not said that she will not listen to the EPA staff working in*

Libby.)

- If W.R. Grace goes bankrupt, will the State Workers Compensation Fund cover former W.R. Grace workers' medical costs?
- Has the State considered pursuing a lien on W.R. Grace assets to recover medical and cleanup costs?

Sandy Wagner volunteered to compile and convey other questions or comments for Governor Martz to Shane Hedges.

Mr. Hedges can be contacted directly at (406) 444-3111, 444-4151, or 581-5482 or at shedges@state.mt.us.

EPA Report

Wendy Thomi and Paul Peronard reported on behalf of EPA.

Wendy Thomi

Ms. Thomi reported on three EPA education and outreach projects. First, EPA has developed a program entitled "Tools for Schools" which is designed to provide school administrators with a tool kit to take a systematic look at school air quality problems and their solutions. This program is not targeted at asbestos, but covers any indoor air quality problem. Second, EPA offers the "Energy Star Program" which is tailored to help schools and businesses reduce their energy consumption by providing information on energy efficient technologies and funding sources. Ms. Thomi also said that EPA is running a national media campaign on second hand smoke. Ms. Thomi and the Libby team in coordination with Libby community interagencies will bring the national second hand smoke campaign to Libby. Finally, Ms. Thomi stated that she will have a report on the evaluation of the CAG at its second meeting in August.

CAG Member Comment - Second hand smoke may be important but the community needs to understand the synergistic risk associated with smoking and asbestos exposure. We have a unique and sensitive population because of past asbestos exposure.

Response - EPA agrees, but the program referenced is a nation-wide second hand smoke campaign.

CAG Member Comment - Smoking doesn't cause asbestosis but does irritate it.

Response - Exposure to asbestos increases cancer risk by 5 - 10%. The combination of smoking and asbestos exposure increases the risk by 60 - 100%. One of the best things that people exposed to asbestos can do is to stop smoking.

Audience Member Comment - Asbestos is not just a lung issue.

Response - We will take care to explain smoking related and asbestos related health issues.

Paul Peronard

Mr. Peronard announced that a committee of the U.S. Senate will hold a hearing on July 31 on asbestos regulation and EPA's response in Libby. The hearing was called by Senator Murray of Washington and can be viewed at 2 p.m. eastern daylight time on C-Span. Dr. Whitehouse will participate in the hearing.

Mr. Peronard then summarized the cleanup activities underway in Libby.

- Screening Plant - EPA has moved about 75,000 cubic yards of contaminated materials from the screening plant site to the mine for disposal. The stock pile will be gone in about one week, and the last of the buildings will be demolished.
- Plummer Elementary - Cleanup of this site is complete. Eight hundred and fifty cubic yards of tailings and contaminated soils have been removed.
- High school - Set up for the removal activity, including establishment of the decontamination station and replacement of a culvert, is underway. About six inches of material under both bleachers will be removed using a vacuum truck. The school district has been contacted to close off the walking path to keep kids away from the work area. Excavating under the track will begin on Monday or Tuesday of next week and will last about two weeks. We hope to be able to complete the work so that football will not be affected. Restoration of the rubberized track will be the most problematic and may not happen until next spring.
- Middle school - Set up will begin in a week or two. Cleanup will parallel work at the high school and should be completed before school starts.
- KDC bluffs - Removal should take two weeks. Trucks carrying contaminated material to the mine will not be routed through town.
- KDC flyway - The decontamination area has been set up. This site is being used as the staging area for in-town removals. In about two weeks material from this site will begin to be moved to the mine for disposal. Excavation at this site should begin in about three weeks.
- Residential properties - The Seifkie property contains equipment and material that was salvaged from the mine and/or processing areas. Contaminated material has apparently been tracked into the house. In about two weeks, material will be removed from this site. Bulk vermiculite and tailings will also be removed from two or three other residential properties.

Mr. Peronard also stated that trace or low levels of asbestos have been measured in home gardens. Sampling will be conducted to measure fiber levels in air resulting from rototilling. EPA intends to determine the risk if a small amount of asbestos is left behind.

EPA hopes to finish most of this work by mid September. Work will continue through Thanksgiving.

Finally, two documents will soon be available at the EPA Information Center. One is a memo prepared by Chris Weis, EPA's toxicologist summarizing risk from Libby's asbestos contamination, and the second is the action memo prepared by Paul Peronard documenting the cleanup process and costs.

CAG Member Question -Is EPA still using MARCOR exclusively in the cleanups?

Answer - In addition to MARCOR, EPA is using two other contractors. ECC is working on the KDC bluffs and KUO on the residential cleanups.

CAG Member Question -How many local people are on EPA's payrolls?

Answer - Forty out of forty-five of the MARCOR employees working on the cleanups were local hires. From 70-75% of the people doing the excavation and trucking were hired locally.

Audience Member Question - I see flag men standing in dust raised by trucks carrying contaminated materials. They do not have respiratory protection. Are they safe?

Answer - Flag men are outside areas in which airborne asbestos fibers are expected. Trucks

leaving the work areas are decontaminated. Flag men are wearing personal samplers to ensure their protection. Any place that there is a risk of airborne asbestos, workers wear respirators.

Audience Member Question - What are the sampling periods?

Response - There are two different sampling periods corresponding to the exposure risk. Samplers worn in areas of expected high risk are 15 minutes. The sampling period for low risk areas such as outside the perimeter of the work areas are daily. No asbestos fibers have been detected outside the perimeters of the cleanup work areas.

CAG Member Question - The current OSHA asbestos failed to protect 4 out of 10 W.R. Grace workers and yet Grace still went bankrupt. Must we lower the protection even further to protect the companies?

Response - EPA's cleanups are not subject to an economic balancing test as are OSHA's, and we therefore target a "cleaner" standard. OSHA's standard is 0.1 fiber/cubic centimeter. The level which EPA targets in its emergency response cleanups is 1 in ten thousand to 1 in one million excess cancer deaths. How clean is clean is always a major issue.

CAG Member Comment - During the 1980's workers and others totally disregarded workers health while requiring asbestos to be removed from schools.

CAG Member Question - Can workers expect to work 20 to 30 years and expect to retire with some quality of life?

Answer - OSHA is required by statute to consider economic effects as well as worker health when setting standards.

Audience Member Question - What happened in EPA's meetings with the railroad from which railroad workers and the public were excluded?

Answer - EPA met last week in Denver with Burlington Northern (BN) officials, doctors, and industrial hygienist to discuss the cleanup plans for the railroad. Because the track is on BN's main line, its clean up is a difficult challenge. BN is discussing capping the main line and tackling the Libby railroad yard next construction season. EPA's preference is removal. There is an internal debate within BN about whether removal or capping with administrative controls is the best approach.

Audience Member Comment - BN has told its workers that it intends to dig up and remove contaminated material from the railroad yard. There is not temporary cap in place in the yard.

Response - EPA has not been told this. We understood that a temporary cap is in place, and we will look into its absence.

CAG Member Question -If EPA is not successful in recouping cleanup costs from W.R. Grace, will local property owners get billed?

Answer - The Superfund law contains a broad net to capture potentially responsible parties. There is also an exclusion from payment responsibility for innocent landowners depending on culpability, i.e. what the landowner knew or should have known and what she or he did to make the problem worse. The culpability test is generally more strict for commercial rather than residential property owners. EPA has no intent to pursue cost recovery from the Parkers, City of Libby, or the school district. The exclusions from payment is locked down in a court settlement.

Audience Member Question -EPA can identify and pursue cost recovery from the potentially responsible parties (PRP's), but the PRP's can then sue local property owners for cost recovery. Will EPA provide assurance that the PRP, W.R. Grace, will not sue locals?

Answer - PRP's have the right to sue property owners for cost recovery. For example, W.R. Grace might sue the City of Libby for its costs in cleaning up the export plant site. EPA can provide contribution protection against PRP suits in exchange for value received. The innocent landowner defense can also be invoked against PRP law suits.

CAG Member Question - Are you going to the schools and asking them for a contribution of value to receive this contribution protection?

Answer - We need to resolve this at each site.

CAG Member Question -You mentioned that exclusions from payment is formalized in a court settlement. Will you be seeking such a settlement before you finish the cleanups?

Answer - A settlement approved by the federal court with jurisdiction will not occur before cleanup finishes.

Audience Member Question - W.R. Grace can haul contaminated material to the mine for disposal. Could private property owners do the same or must they must haul to the County landfill and pay disposal costs?

Answer - Private parties would have to work out a deal with W.R. Grace to use the mine for disposal. The mine would have to be permitted as a solid waste site to receive waste from private parties.

Audience Member Question - Has the County worked out expansion of the landfill to receive additional asbestos-contaminated materials?

Answer - If EPA decides to remove vermiculite insulation, it will have to look at either disposal at the mine or a new cell at the County landfill.

Audience Member Question - What will the County do if EPA doesn't fund landfill expansion?

Answer by Ron Anderson - If EPA doesn't fund the expansion, then it will be funded by the County through fees on users.

Audience Member Question - If the County does receive grant fees to pay for landfill expansion, will it still charge the \$25 per cubic yard fee?

Answer by Ron Anderson - No. If we receive grant funding, we won't have to charge user fees.

Audience Member Question - Is the \$25 fee set to make the County money or to recover the costs of disposing of the asbestos-contaminated materials?

Answer by Ron Anderson - It is set to recover the County's costs, not to make money.

Audience Member Question - Homeowners in Libby had no idea that the vermiculite they used for insulation wasn't safe. You are cleaning up yards and gardens. Why can't EPA remove the insulation from our homes like they did with the asbestos in schools?

Answer by Paul Peronard - EPA can demonstrate a public risk and has clear authority to cleanup yards and gardens. Before EPA could remove the insulation from homes there would have to be a clear showing of risk to public health and a determination that we have both the legal authority

and the funding to do so. In our sampling we have not found any correlation between asbestos fibers in the air and the presence of Zonolite insulation in homes. If the insulation is not disturbed, there is not a major health hazard. However, it is also clear from the Phase II residential sampling that if the insulation is disturbed that concentrations in air of 3 - 5 fiber cubic centimeter result, levels not safe. We have also learned that the 1% level of asbestos in the insulation is not relevant. Bags of insulation that were found to have asbestos levels below the detection limit of polarized light spectroscopy resulted in high levels of fiber in the air when the bag contents were disturbed. I have concluded that the public would be better off if the insulation was removed from Libby's homes and businesses, and I have recommended to my superiors that EPA remove the insulation. Everyone should understand, however, that the decision is not mine. EPA may make a decision before the end of the fiscal year.

Audience Member Question - Do we need a Superfund National Priorities Listing to clean up our homes?

Answer - No, but EPA will have to expend its funding to remove insulation. We probably could not recover the costs of doing so from W.R. Grace or anyone else.

CAG Member Question - What if someone with piles of vermiculite on their property refuses EPA access to remove them?

Answer - EPA can compel access, but doing so would probably be a difficult decision. It may be possible to impose deed restrictions instead of compelling access. No homeowner has denied access yet.

Audience Member Question - If EPA conducts its systematic search of the town for asbestos and contamination is found on a business property, what happens? Would it have to be shut down or moved?

Answer - EPA would attempt to keep the business open through a temporary relocation during the cleanup and would then move it back.

Audience Member Question - Would the business have to pay for the relocation and cleanup?

Answer - Payment would be considered on a case-by-case basis depending on what the owner knew, what he or she reasonably should have known, and what the owner did.

Audience Member Question - Who decides if the innocent landowner defense applies?

Answer - A judge. In nine cases out of ten EPA and its attorney the Department of Justice reaches a consent decree with the property owner.

CAG Member Question- Would the business owner have to hire an attorney?

Answer - It would probably be advised. The more sophisticated the business is, the more advisable hiring an attorney would probably be. The law and its application is not simple.

ATSDR Report

Dan Strausbaugh reported on behalf of ATSDR. He introduced three visitors from Atlanta, Sharon Campolucci, Deputy Director of the ATSDR Division of Health Studies, and Kathy Skipper and Dan Holcomb, who are respectively with ATSDR's Public Information and Community Involvement Offices. The ATSDR staff from Atlanta are in Libby this week to coordinate a media event on Friday, July 27 to announce the start of the second round of medical

screening in Libby. Mr. Strausbaugh stated that over the last two weeks, mobilization has begun to prepare for the second round of medical screening which will begin on Monday, July 30. Screening will also be available on July 29 for the high school class reunions. ATSDR has advertised the availability of screening on radio and television and in newspapers. To date 598 people have made appointments for screening. Mr. Strausbaugh encouraged people who are interested in participating in the second round of medical screening to call 1800 439-8308. The screening procedures will be the same as in the first round. The manager (Ms. Myrna Lundee) of the second round and most of the other personnel will also be the same. Mr. Strausbaugh also stated that the final report on the first round of screening is still scheduled to be completed late this summer.

County Report

The County had nothing additional to report.

St. John's Lutheran Hospital Report

Pat Cohan and Laura Sedler reported on behalf of the Hospital and the Center for Asbestos Related Disease (CARD Clinic). On August 4, Dr. Putman who is part of Dr. Holian's group at the University of Montana will be at the Clinic to take blood samples from people who have lived in Libby. People need not be diagnosed with asbestos disease to participate in the research. About 10 to 15 minutes is need for paper work and 2 minutes to take the blood sample. Ms. Cohan asked that people who have already donated blood come in to the Clinic to sign an expanded consent form so that Dr. Putman can analyze previous samples for additional factors.

Ms. Cohan gave a brief report on the status of the CARD Clinic. Ms. Cohan gave a brief report on the status of the CARD Clinic. Two weeks ago was the first anniversary of the Clinic's first patient visit. The Clinic was established as a department of the Hospital to provide diagnosis, teaching, and referral for asbestos related diseases. It currently has four employees, Dr. Black, Ms. Cohan who is nurse, a certified medical assistant, and a secretary/receptionist. The Clinic presently has about 700 active patients and has seen another 300. No patients are turned away. It has also reviewed another 600-700 x-rays of people who do not live in Libby. It has had about 3,000 telephone calls from people seeking information about asbestos-related diseases. Patients now complete a survey, receive about 15 minutes of teaching about lung function, discuss their screening x-rays with Dr. Black, and get a treatment referral if one is warranted. The Clinic is funded through the Hospital with money provided by W.R. Grace and the hospital assuming additional costs. The Clinic will remain a part of the Hospital at present but this does not rule out other possibilities for the future.

Laura Sedler reported that with assistance from Senator Baucus, the grant to the Substance Abuse and Mental Health Services Administration has informally referred a grant request for the community recovery assistance. This program will fund councilors and ministers to act as consultants to the Hospital and provide mental health assistance to school children and community members affected by asbestos-related diseases.

CAG Member Question- Do people need appointments on August 4 to give a blood sample, or can they just drop in?

Answer - They can just drop in.

Internet Web Site

George Keck reported that TOSC has assembled the elements of an internet web site for Libby addressing asbestos issues. If the CAG approves, TOSC will complete the web site development within six months to a year and pass it to the Libby school system for management and operation. Two students have volunteered to spear head this project. The web site address is <http://multimedia.mtech.edu/elc>. Mr. Keck asked that the CAG approve modifying the letter of agreement between the CAG and TOSC to provide for the web site development.

CAG Member Question - Who would be responsible for the content of the web site?

Answer - TOSC.

CAG Member Question - What kind of information would it contain?

Answer - It could contain CAG meeting summaries and a discussion board and other asbestos-related information.

Comment - This site could be linked to EPA's web site.

CAG Member Question - At some point could we buy a domain to simplify the web site address?

Answer - Yes.

CAG Action - The CAG agreed without dissent to authorize George Keck to contact TOSC and agree to the modify the letter of agreement to provide for web site development.

Superfund Site Visit

Wendy Thomi reminded the CAG that EPA had previously volunteered to provide transportation for some CAG members to other existing Superfund sites. After a discussion, the CAG agreed that rather than traveling to other sites, EPA should pay to have representatives of those sites come to Libby. An open house could be held that would allow Libby people to hear from and ask questions of these representatives. The CAG asked Paul Peronard and TOSC to identify Superfund sites from which representatives might be invited. The CAG agreed to consider this topic further at its August 23 meeting.

Audience Member Comment - Don Peoples who was formally the Chief Executive of Butte Silverbow and now heads MERDI in Butte has volunteered to come to Libby to discuss Butte's experience with Superfund.

Public Comment

There was not additional comment.

Next Meeting

The town hall meeting with Governor Martz will function as the next CAG meeting. The town hall meeting is scheduled for Wednesday, August 8, 2001 from 1:00 to 4:00 p.m. in the VFW hall. The next regular CAG meeting is scheduled for Thursday, August 23 from 7:00 to 9:00 p.m. in the Ponderosa Room of the Libby City Hall.

Appendix 1
CAG Member & Guest Attendance List
July 12, 2001

Members	Group/Organization Represented
Bob Tunis	Lincoln County Economic Development Corporation
Robert H. Foote	Libby Ministerial Association
George Keck	Community Health Center
K.W. Maki	Libby School District #4
Sandy Wagner	Libby Resident
Clinton Maynard	Area Asbestos Research Group
Mike Switzer	Asbestos Victim
Cyrus Lee	Kootenai Valley Headstart
Bob Dedrick	Asbestos Victim
Dr. Brad Black	Lincoln County Health Officer/CARD
George Bauer	City of Libby
Rita Windom	Lincoln County
David F. Latham	The Montanian
Wendy Thomi	EPA Community Involvement
Paul Peronard	EPA On-Scene Coordinator
Ron Anderson	Lincoln County
Rep. Eileen Carney	Montana State Legislature
Gayla Benefield	LCAVRO
Wilbur Wilson	Senior Citizens
Don Wilkins	Lumber & Sawmill Workers
Dan Strausbaugh	ATSDR
Norita Skramstad	Asbestos Victim
Guests	Group/Organization Represented
Shane Hedges	Chief Policy Advisor to Governor MartzSharon Campolucci ATSDR Deputy Director, Division of Health Studies
Kathy Skipper	ATSDR Public Information Office
Dan Holcomb	ATSDR Community Involvement